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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Dany Berube  
APPLICATION NO.: 10/039,873  
FILING DATE: January 3, 2002  
TITLE: Flexible Device For Ablation Of Biological Tissue  
EXAMINER: Aaron F. Roane  
GROUP ART UNIT: 3739  
ATTY. DKT. NO.: 23488-09188

**CERTIFICATE OF MAILING**

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Dated: 11/9/04 By: A. C. Smith  
Albert C. Smith, Reg. No.: 20,355

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**INFORMATION DISCLOSURE STATEMENT**

**Under 37 CFR §§ 1.56 and 1.97-98**

SIR:

Pursuant to the provisions of 37 CFR §§ 1.56 and 1.97-98, enclosed herewith is modified form PTO/SB/08A listing references for consideration by the Examiner.

The filing of this Information Disclosure Statement shall not be construed as a representation regarding the completeness of the list of references, or that inclusion of a reference in this list is an admission that it is prior art or is pertinent to this application, or that a search has been made, or as an admission that the information listed is, or may be considered to be, material to patentability, or that no other material information exists, and shall not be construed as an admission against interest in any manner.

This Information Disclosure Statement is being filed:

- ☐ within three months of the filing date of the application, or date of entry into the national stage of an international application, or before the mailing date of a first office action on the merits, whichever event last occurred;
- ☐ before the mailing of a first official action after the filing of a request for continued examination (RCE) under 37 CFR § 1.114;
- ☐ after three months of the filing date of this national application or the date of entry of the national stage in an international application, or after the mailing

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date of the first official action on the merits, whichever event last occurred, but before the mailing date of the first to occur of either: (1) a final action under 37 CFR §1.113; or (2) an action that otherwise closes prosecution in the application, and:

- ☐ attached hereto is the fee set forth under 37 CFR §1.17(p) for submission of this Information Disclosure Statement under 37 CFR. § 1.97(c); OR
- ☐ Applicant certifies pursuant to 37 CFR § 1.97(e) that:
  - ☐ each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement; OR
  - ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement;
- ☐ on or before the payment of the issue fee but after the mailing date of the first to occur of either: (1) a final action under 37 CFR § 1.113; (2) a notice of allowance under 37 CFR § 1.311; or (3) an action that otherwise closes prosecution in the application, and:
  - ☐ Applicant certifies pursuant to 37 CFR. § 1.97(e) that:
    - ☐ each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement;
    - ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated

under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement; AND

- ☐ attached hereto is the fee set forth under 37 CFR § 1.17(p) for submission of this Information Disclosure Statement under 37 CFR § 1.97(c); OR
- ☒ after the payment of the issue fee. Applicant requests that the information contained in this Information Disclosure Statement be placed in the file according to 37 CFR § 1.97(i), although the information may not be considered by the USPTO.
- ☐ Enclosed is a copy of each listed reference that may be material to the examination of this application, and for which there may be a duty to disclose.
- ☐ This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior application No. \_\_\_\_\_, filed on \_\_\_\_\_, and the references cited therein are hereby referenced, but are not required to be provided in this application under 37 CFR § 1.98(d).
- ☐ This application was filed after June 30, 2003. Therefore, pursuant to the waiver of the requirements under 37 CFR 1.98(a)(2)(i), copies of each U.S. Patent and each U.S. Patent Application Publication are not required to be submitted. Copies of any foreign patent documents and non-patent literature cited herein are enclosed.
- ☐ Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application, and the communication was not received by any individual designated in 37 CFR § 1.56(c) more than thirty days prior to the filing of this Information Disclosure Statement. 37 CFR § 1.704(d).
- ☒ Applicant submits that no fee is required for the consideration of this Information Disclosure Statement.

Consideration of the listed references and favorable action are solicited.

Respectfully submitted,  
DANY BERUBE ET AL.


Dated: 11/9/04

By: A.C. Smith  
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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence during pendency of  filed application)</i>		Application Number	10/039,873
		Filing Date	January 3, 2002
		First Named Inventor	Dany Berube
		Group Art Unit Number	3739
		Examiner Name	Aaron F. Roane
Total Number of Pages in This Submission	14 *	Attorney Docket Number	23488-09188

ENCLOSURES <i>(check all that apply)</i>	
<input type="checkbox"/> Fee Transmittal Form (in duplicate) <input type="checkbox"/> Check Enclosed	<input type="checkbox"/> Issue Fee Transmittal
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SIGNATURE OF ATTORNEY OR AGENT			
Signature:			
Attorney/Reg. No.:	Albert C. Smith/Reg. No. 20,355	Dated:	11/9/04

<b>CERTIFICATE OF MAILING</b>			
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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT****Complete if Known**

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Art Unit	3739
Examiner Name	Aaron F. Roane
Attorney Docket Number	23488-09188

Sheet 1 of 11

**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document No. Number – Kind Code <sup>2</sup> (if known)	Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		US-3,598,108	08-10-1971	JAMSHIDI ET AL.
		US-3,976,082	08-24-1976	SCHMITT
		US-4,033,357	07-05-1977	HELLAND ET AL.
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		US-4,244,371	01-13-1981	FARIN
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		US-4,409,993	10-18-1983	FURIHATA
		US-4,416,276	11-22-1983	NEWTON ET AL.
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		US-4,823,812	04-25-1989	ESHEL ET AL.
		US-4,825,880	05-02-1989	STAUFFER ET AL.
		US-4,841,988	06-27-1989	FETTER ET AL.

Examiner  
SignatureDate  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609.

Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

23488/09188/DOCS/1478389.1

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Examiner Name	Aaron F. Roane
Attorney Docket Number	23488-09188

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		US-4,841,990	06-27-1989	KIKUCHI ET AL.
		US-4,881,543	11-21-1989	TREMBLY ET AL.
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		US-5,344,441	09-06-1994	GRONAUER
		US-5,358,515	10-25-1994	HÜRTER ET AL.
		US-5,364,336	11-15-1994	CARR
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		US-5,484,433	01-16-1996	TAYLOR ET AL.
		US-5,487,757	01-30-1996	TRUCKAI ET AL.
		US-5,494,039	02-27-1996	ONIK ET AL.

Examiner Signature		Date Considered	
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				Filing Date	January 3, 2002
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				Examiner Name	Aaron F. Roane
Sheet	4	of	11	Attorney Docket Number	23488-09188

U.S. PATENT DOCUMENTS				
Examiner Initials*	Cite No. <sup>1</sup>	Document No. Number – Kind Code <sup>2</sup> (if known)	Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		US-5,496,271	03-05-1996	BURTON ET AL.
		US-5,507,743	04-16-1996	EDWARDS ET AL.
		US-5,514,131	05-07-1996	EDWARDS ET AL.
		US-5,529,820	06-25-1996	NOMI ET AL.
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		US-5,569,242	10-29-1996	LAX ET AL.
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		US-5,737,384	04-07-1998	FENN
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		US-5,741,249	04-21-1998	MOSS ET AL.
		US-5,743,239	04-28-1998	IWASE
		US-5,762,626	06-09-1998	LUNDQUIST ET AL.
		US-5,769,846	06-23-1998	EDWARDS ET AL.

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		US-5,782,747	07-21-1998	ZIMMON
		US-5,782,828	07-21-1998	CHEN ET AL.
		US-5,785,706	07-28-1998	BEDNAREK
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		US-5,800,378	09-01-1998	EDWARDS ET AL.
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		US-5,807,309	09-15-1998	LUNDQUIST ET AL.
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		US-5,814,028	09-29-1998	SWARTZ ET AL.
		US-5,823,197	10-20-1998	EDWARDS
		US-5,823,955	10-20-1998	KUCK ET AL.
		US-5,826,576	10-27-1998	WEST
		US-5,829,447	11-03-1998	STEVENS ET AL.
		US-5,836,990	11-17-1998	LI
		US-5,840,027	11-24-1998	SWARTZ ET AL.
		US-5,843,026	12-01-1998	EDWARDS ET AL.
		US-5,843,171	12-01-1998	CAMPBELL ET AL.
		US-5,853,366	12-29-1998	DOWLATSHAH
		US-5,855,614	01-05-1999	STEVENS ET AL.
		US-5,861,002	01-19-1999	DESAI
		US-5,861,021	01-19-1999	THOME ET AL.
		US-5,863,290	01-26-1999	GOUGH ET AL.
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Considered

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT****Complete if Known**

Application No.	10/039,873
Filing Date	January 3, 2002
First Named Inventor	Dany Berube
Art Unit	3739
Examiner Name	Aaron F. Roane
Attorney Docket Number	23488-09188

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				Art Unit	3739
				Examiner Name	Aaron F. Roane
Sheet	7	of	11	Attorney Docket Number	23488-09188

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Examiner Name	Aaron F. Roane
Attorney Docket Number	23488-09188

Sheet	8	of	11
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Sheet 9 of 11

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